

STEPHEN G. RUDISILL  
EVELYN J. RUDISILL

IBLA 81-720

Decided July 20, 1981

Appeal from decision of California State Office, Bureau of Land Management, declaring mining claim abandoned and void. CA MC 30042.

Affirmed.

1. Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment -- Mining Claims: Abandonment

The failure to file the instruments required by sec. 314 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1744 (1976), and 43 CFR 3833.1 and 3833.2 in the proper Bureau of Land Management office within the time periods prescribed therein conclusively constitutes abandonment of the mining claim by the owner.

2. Notice: Generally -- Regulations: Generally -- Statutes

All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations.

APPEARANCES: Stephen G. Rudisill and Evelyn J. Rudisill, pro sese.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Stephen G. Rudisill and Evelyn J. Rudisill appeal the May 7, 1981, decision of the California State Office, Bureau of Land Management (BLM), which declared the Sulphur Springs lode mining claim, CA MC 30042, abandoned and void for failure to file timely evidence of assessment work or a notice of intention to hold for the period

September 1, 1979, to September 1, 1980, or on before December 30, 1980, as required by section 314 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1744(a) (1976), and the implementing regulations in 43 CFR 3833.2-1(a).

In their statement of reasons the appellants say the assessment work was completed but they were unaware of the requirement that the proof of the assessment work had to be filed with the Department of the Interior each year. With the appeal filed May 28, 1981, appellants submitted a copy of the proof of annual labor recorded September 4, 1980, in the records of San Diego County.

[1] The above-cited statute and regulations impose a conclusive presumption of mining claim abandonment for any failure to file the required instruments in the proper BLM office by the date on which they are due. The Board has no authority to excuse lack of compliance with the statute or to afford relief from the statutory consequences. Lynn Keith, 53 IBLA 192, 88 I.D. 369 (1981). Appellants should confer with BLM about the possibility of relocating the claim.

[2] The fact that appellants may have been unaware of the recordation requirements of FLPMA, while unfortunate, does not excuse them from compliance. Those who deal with the Government are presumed to have knowledge of the law and of the regulations duly adopted pursuant thereto. Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); Donald H. Little, 37 IBLA 1 (1978). The responsibility for complying with the recordation requirements rested with appellants. This Board has no authority to excuse lack of compliance with the statute or to afford relief from statutory consequences. Lynn Keith, supra.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

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Douglas E. Henriques  
Administrative Judge

We concur:

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Bernard V. Parrette  
Chief Administrative Judge

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Gail M. Frazier  
Administrative Judge